

25



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,912	05/02/2003	Dara C. Medes	761A 3574	9313

3713 7590 06/07/2006

KODA & ANDROLIA
 2029 CENTURY PARK EAST
 SUITE 1140
 LOS ANGELES, CA 90067

EXAMINER

SHENG, TOM V

ART UNIT	PAPER NUMBER
----------	--------------

2629

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,912	MEDES ET AL.	
	Examiner	Art Unit	
	Tom V. Sheng	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because certain reference characters are unclear in fig. 2 and fig. 3.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings.

The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Frenkel et al. (US 6,007,569); hereinafter Frenkel.

As for claim 1, Frenkel teaches a color shift therapy apparatus (electrostressograph system 12; fig. 1) comprising:

a control means (designated colors and colored light-control sequences inputted via remote control 19 or keyboard 18; column 5 lines 36-41);

a color display (imagescope console 15; column 5 lines 13-25); and

Art Unit: 2629

a means (computer 21) for providing color shifting signals (i.e. the color changes or colored light-control sequences) to said color display in response to said control means (column 5 lines 1-4). For details on the system, see column 4 line 47 through column 6 line 31.

As for claims 2 and 3, the keyboard 18 inputted by a doctor or technician corresponds to claimed clinician input means and keyboard.

As for claim 4, the computer 21 corresponds to claimed central processing unit.

As for claim 5, the imagescope console 15 may take the form of a television console and thus corresponds to claimed television.

As for claim 6, Frenkel further teaches

placing a patient (patient 16) in front of the display (column 4 lines 66-67 and column 5 lines 42-43);

providing initial clinician input to the central processing unit to display colors and color shifts on the color display (the doctor or technician changes the colors and designates particular colored light-control sequences; column 5 lines 38-41); and

determining if the colors and color shifts have a desired effect on said patient (by means of glove 14, monitoring system 20, electrodes 17, camera 13 and a finalized and printed electrostressogram 22; see column 4 lines 47-65 and column 5 line 49 through column 6 line 12).

As for claims 7 and 8, Frenkel teaches that based on the electrostressogram 22, color light therapy or dosing can be established (column 6 lines 3-5).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilson (US 6,676,284 B1) teaches a lighting apparatus capable of programmed to different colors by individually controlling a plurality of LEDs within.

Duggal et al. (US 6,357,889 B1) teach a color tunable light source includes multiple light emitting components, such as light emitting diodes (LEDs) or laser diodes (LDs) with different emission wavelengths, and multiple phosphors (24) with different excitation and emission wavelengths. A keypad is used to enter desired color.

Dancs et al. (US 2005/0195598 A1) teach a therapeutic device with several selectable lighting modes, which are lighting of different colors or color sequences.

Ducharme et al. (US 7,014,336 B1) teach a lighting device including LED lighting units capable of generating light of a range of colors and is used to provide light or supplement ambient light to afford lighting conditions suitable for a wide range of applications. The color control is precise based on color temperature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V. Sheng whose telephone number is (571) 272-7684. The examiner can normally be reached on 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tom Sheng
June 1, 2006



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600